

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>No. 08 CR 386-3</b>
	)	<b>Honorable Judge Coar</b>
	)	<b>Magistrate Judge Ashman</b>
<b>RODNEY RAY, et. al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**RODNEY RAY’S MOTION TO COMPEL THE GOVERNMENT TO SEEK ADMISSION OF  
ANY 404(B) EVIDENCE AT LEAST 60 DAYS PRIOR TO TRIAL**

Defendant, RODNEY RAY (“Mr. Ray”), by and through his undersigned attorney, respectfully moves this Court for the entry of an Order directing the Government to file a proffer, or otherwise seek the admission of its Rule 404(b) evidence, at least sixty (60) days prior to trial. In support of this Motion, Mr. Ray states as follows:

1. Rule 404(b) specifically requires the Government to provide reasonable notice of its “bad act” evidence sufficiently in advance of trial. One of the purposes of such timely pre-trial notice is to “reduce surprise and promote early resolution on the issue of admissibility.” *See* Fed.R.Evid. 404(b), Notes of Committee on the Judiciary, Senate Report No. 93-1277.
2. This action will require a great deal of pre-trial activities leading up to the trial of this action.
3. In addition, the Government has been investigating this case for a significant period of time and has apparently already assembled and its documents and recordings, and may produce additional documents and recordings.
4. Thus, Mr. Ray’s request is reasonable and necessary to allow him to fully and meaningfully prepare his defense. It will provide him with the opportunity to adequately seek to exclude any or all such 404(b) evidence, and thereafter to investigate and prepare for the introduction of such evidence – in the event this Court rules that such evidence will be allowed.

5. In light of the time that the Government has spent investigating Mr. Ray and his co-Defendants, the request that the Government disclose such evidence at least sixty (60) days prior to trial is more than reasonable.

**WHEREFORE**, Defendant, Rodney Ray, by his undersigned counsel, respectfully request the entry of an Order directing the Government to file a proffer, or otherwise seek the admission of its Rule 404(b) evidence, at least sixty (60) days prior to trial, and for such other and further relief as is appropriate under the circumstances.

Respectfully Submitted,

**By:** /s/ Michael I. Leonard  
Attorney for Defendant Rodney Ray

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Dated: July 1, 2008

**CERTIFICATE OF SERVICE**

I, Michael I. Leonard, an attorney, certify that on July 1, 2008 I caused a copy of Rodney Ray's Motion to Compel the Government to Seek Admission of Any 404 (B) Evidence at Least Sixty Days Prior to Trial, to be served on the attorney(s) of record through the Court's ECF filing and notice system on July 1, 2008.

Respectfully Submitted,

**By:** /s/ Michael I. Leonard  
Michael I. Leonard